

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 AID-05 CIAE-00 DODE-00 PM-05 H-01
INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15
ICA-11 TRSE-00 HA-05 IO-13 OMB-01 PC-01 /093 W
-----054268 312310Z /14

P R 312150Z AUG 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC PRIORITY 9277
INFO AMEMBASSY BOGOTA
AMEMBASSY LA PAZ
AMEMBASSY LIMA
AMEMBASSY SANTIAGO
AMCONSUL GUAYAQUIL
USCINCSO QUARRY HTS CZ

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 6119

E.O. 11652: GDS
TAGS: PINT, EC
SUBJECT: SET DIVIDES ITS TIME BETWEEN THE "TRIAL" OF PICHINCHA
TRIBUNAL AND THE VOTE COUNT

REF: QUITO 5977

1. BEGIN SUMMARY. VOTE COUNTING CONTINUES AMID NEW PORTENTS OF
SERIOUS PROBLEMS IN GUAYAQUIL. THE ATTENTION OF THE SUPREME
ELECTORAL TRIBUNAL (SET) IS NOW DIVIDED BETWEEN THE COUNT AND
A SERIES OF HEARINGS TO DETERMINE RESPONSIBILITY FOR THE IRREGU-
LARITIES IN PICHINCHA. IN SPITE OF THIS HEAVY WORKLOAD, THE
SET FOUND THE TIME TO ORDER THE JAILING OF A CFP CRITIC
WHO WAS LATER RELEASED AFTER A PUBLIC OUTCRY. END SUMMARY.

2. ON AUGUST 30 THE SET BEGAN A SERIES OF HEARINGS STEMMING
FROM ITS DISCOVERY OF PURPORTED IRREGULARITIES IN THE PICHINCHA
VOTE COUNT (SEE REFTEL). BECAUSE OF WHAT IT DESCRIBED AS THE
AGGRAVATED NATURE OF THOSE IRREGULARITIES, THE SET DECIDED
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TO APPLY FOR THE FIRST TIME THOSE SECTIONS OF THE
ELECTORAL LAW WHICH ALLOW PROCEEDINGS TO BE BROUGHT
AGAINST THOSE SUSPECTED OF RESPONSIBILITY FOR THEM.
ALTHOUGH IT FIRST SPOKE OF A TRIAL AND INDICATED THAT
SHOULD GUILT BE DETERMINED THE RESULT COULD BE FINES
AND PRISON SENTENCES, THE SET HAS MORE RECENTLY INDICATED
THAT ITS HEARINGS ARE RATHER IN THE NATURE OF DETERMINING

THE POSSIBILITY OF CRIMINAL CONDUCT AT WHICH POINT THE MATTER WOULD BE TURNED OVER THE COURTS FOR TRIAL. ALL MEMBERS OF THE PICHINCHA TRIBUNAL HAVE BEEN CHARGED BY THE SET AND WILL UNDERGO INDIVIDUAL HEARINGS.

3. THE PICHINCHA TRIBUNAL MEMBERS HAVE PUBLICLY DEFENDED THEMSELVES -- IN RESPONSE TO WHAT AMOUNTS TO PUBLIC CHARGES BY THE SET -- AND HAVE HARSHLY CRITICIZED THE HEARING PROCEDURES. PICHINCHA TRIBUNAL PRESIDENT JOSE MARIA GORDILLO HAS NOTED REPEATEDLY THAT THE CHARGES AGAINST THEM HAVE NEVER BEEN DETAILED, THAT THEY HAVE NEVER HAD A CHANCE TO DISCUSS THE MATTER PRIVATELY WITH THE SET, AND THAT THEY HAD ONLY ONE DAY FROM THE TIME THE HEARINGS WERE ANNOUNCED TO PREPARE THEIR "DEFENSES" TO THE UNCLEAR CHARGES. IT WAS THIS REACTION THAT APPARENTLY CAUSED THE SET TO CHANGE ITS DESCRIPTION OF THE PROCEEDINGS FROM A TRIAL TO HEARINGS. GORDILLO APPEARED ON AUGUST 30 AND PRESENTED AN IMPASSIONED DEFENSE OF HIS ACTIONS, ALONG THE LINES OF REFTTEL. OBSERVERS INDICATED THAT THERE WAS NO CLEAR-CUT WINNER OR LOSER AT THE FIRST DAY OF HEARINGS. IT MAY BE AWHILE BEFORE THE RESULT IS EVER KNOWN, SINCE THE SET HAS NOT INDICATED WHEN AND HOW IT WILL ANNOUNCE ITS DECISION TO FORMALLY CHARGE OR NOT ANY OF THE PICHINCHA TRIBUNAL MEMBERS. THE MASS MEDIA IS TENDING TOWARD SYMPATHY WITH THE PICHINCHA GROUP.

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4. AT THE SAME TIME THAT IT CONDUCTS THE PICHINCHA HEARINGS (DURING THE DAY), THE SET IS CONTINUING WITH THE VOTE SCRUTINY AT NIGHT. ALL OF THE PICHINCHA VOTE HAS BEEN COUNTED, WITH SOME 122 TABLES (ALMOST HALF OF THE NATION-WIDE TOTAL TO DATE) OR ABOUT 15 PERCENT OF THE PICHINCHA TOTAL ANNULLED. PASTAZA AND CHIMBORAZO WERE COUNTED WITHOUT SERIOUS PROBLEMS AND THE SET BEGAN THE GUAYAS COUNT ON AUGUST 30. IT DECIDED TO COUNT GUAYAS CANTONS IN ALPHABETICAL ORDER, IGNORING A CFP PLEA THAT IT BEGIN WITH GUAYAQUIL. AT THE RATE IT IS PROCEEDING, THE SET COULD REACH THE CRUCIAL GUAYAQUIL PARISHES ON AUGUST 31 OR SEPTEMBER 1.

5. THE CFP HAD REQUESTED THAT GUAYAQUIL BE COUNTED FIRST BECAUSE OF THE CONTINUED RUMORS OF FRAUD THERE. MOST RECENTLY, ON AUGUST 30 MANUEL ARAUJO HIDALGO, LEADER OF THE SPLINTER GROUP "POPULAR ACTION" WHICH SUPPORTS RAUL CLEMENTE HUERTA, ANNOUNCED THAT HE HAS PROOF THAT MASSIVE FRAUD WAS COMMITTED IN GUAYAQUIL WITH THE PARTICIPATION OF FOREIGNERS. AS IN PAST FRAUD CHARGES BY HUERTA SUPPORTERS, ARAUJO PRESENTED NO EVIDENCE AND DID NOT ELABORATE ON HIS STATEMENT.

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C O N F I D E N T I A L SECTION 2 OF 2 QUITO 6119

6. NOT CONTENT WITH JUGGLING VOTE COUNT PROBLEMS AND STAR CHAMBER HEARINGS, THE SET BECAME EMBROILED IN ANOTHER CONTROVERSY BY ORDERING THE JAILING, WITH NO APPARENT JUDICIAL PROCEEDINGS, OF A CFP LEADER IN ESMERALDAS. DR. GILBERTO PLAZA WAS ACCUSED OF PUBLISHING A DOCUMENT "INJURIOUS" TO THE SET. THE CFP AND OTHER GROUPS PROTESTED VEHEMENTLY, EVEN SENDING A FORMAL COMPLAINT OF A HUMAN RIGHTS VIOLATION TO JULIO PRADO, EX-FOREIGN MINISTER AND HEAD OF THE ECUADOREAN HUMAN RIGHTS COMMISSION. THE SET RELENDED IN THE FACE OF THIS PUBLICITY, ITS PRESIDENT, JOSE ANTONIO BAGUERO DE LA CALLE, ANNOUNCING ON AUGUST 30 THAT THE ARREST ORDER HAD BEEN RESCINDED. HE ADDED, HOWEVER, THAT THIS DID NOT MEAN THAT CRITICS OF THE SET HAVE CARTE BLANCHE TO SLANDER OR INSULT THE MEMBERS OF THE SET.

7. COMMENT: THE SET CONTINUES IN ITS CONCERTED EFFORT TO PROVE, AND NOW PUNISH, THE OCCURENCE OF FRAUD OR SERIOUS, UNEXPLAINED IRREGULARITIES IN THE JULY 16 ELECTIONS.
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WHAT BEGAN AS A REAL KANGAROO COURT TO PIN THE BLAME FOR
SUPPOSED IRREGULARITIES ON THE PICHINCHA TRIBUNAL HAS
NOW BEEN REDUCED TO HEARINGS. NONETHELESS, THE WAY IN
WHICH THE HEARINGS ARE BEING CONDUCTED RAISES SERIOUS
CONCERN THAT THE RESULTS MAY BE PREORDAINED. ONLY THE
FACT THAT THE PICHINCHA TRIBUNAL IS COMPOSED OF WELL-
KNOWN, ARTICULATE AND SOPHISTICATED INDIVIDUALS, REPRESENTED
BY NOTABLE LEGAL COUNSEL, ALLOWS SOME HOPE THAT THE
HEARINGS WILL BE CONDUCTED FAIRLY. THE RESULT IS THE
SAME IN ANY CASE: CHIPPING AWAY AT PUBLIC CONFIDENCE BOTH
IN THE SET AND, MORE IMPORTANTLY, IN THE ELECTORAL PROCESS
ITSELF. THOSE SEEKING WAYS TO DERAIL THAT PROCESS NO
DOUBT VIEW WITH SATISFACTION THE CURRENT SITUATION.
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